

CHAPTER 196

KADUNA POLYTECHNIC ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Kaduna Polytechnic.
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SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

An Act to continue in being the Kaduna Polytechnic and to make fresh provisions for the constitution of a new authority to perform the functions formerly discharged by the dissolved Interim Common Services Agency.

1979 No. 73.

[28th September, 1979]

Commencement

1. (1) There shall continue to be, in accordance with the following provisions of this Act, the Kaduna Polytechnic (hereinafter in this Act referred to as "the Polytechnic") which shall consist of the sundry educational institutions which, immediately before the commencement of this Act, constituted the Polytechnic and such other institutions for technical education or in-service instruction as may, from time to time, be approved by the Board of Governors.

Kaduna Polytechnic.

(2) The objects of the Polytechnic shall be—

- (a) to provide divers instruction, training and research in technology, the sciences, commerce and the

humanities as well as any other sphere of learning which may from time to time be approved by the Board;

(b) to provide courses of in-service instruction for members of the public services in Nigeria and, to the extent that the Board thinks fit, courses of the like nature for persons unconnected with any of the public services.

(3) For the purposes of this Act, any institution mentioned in this section as forming part of the Polytechnic shall be regarded as an integral part thereof and shall not have any separate identity.

(4) The Board may, from time to time, re-organise, by way of merger or sub-division or otherwise howsoever, any of the constituent parts of the Polytechnic as appears to the Board to further the objectives of Polytechnic and the Board may, from time to time, re-designate any office, department, school, college or other unit of the Polytechnic which appears to it to describe its functions adequately.

Board of
Governors.

2. (1) There shall continue to be a Board of Governors to be known as the Kaduna Polytechnic Board of Governors (in this Act referred to as "the Board") which shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and which shall be responsible for the general supervision and control of the Polytechnic and with the initiation and implementation of policies in respect thereof.

(2) The Board shall consist of the following members, that is—

(a) two fit persons from each State to be appointed by the Governor of such State;

(b) four fit persons (one of whom shall be a person having special interest or qualifications in textile technology) as representatives of industry, commerce and statutory corporations to be appointed by the States;

(c) two fit persons one of whom shall be a person having special interest in agriculture to be appointed by the Senate of Ahmadu Bello University and the other to

be appointed in rotation by the other universities located in the States;

- (d) two fit persons representing educational institutions other than those mentioned in paragraph (c) of this subsection to be appointed by the States;
- (e) one fit person representing trade unions; and
- (f) the Rector of the Polytechnic.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters mentioned therein.

3. (1) Subject to subsection (4) of this section, a member of the Board shall hold office for a period of three years and shall be eligible for re-appointment for one further period of three years.

Tenure of office of members of the Board.

(2) The Chairman of the Board shall be appointed by the States from among the members (other than the Rector) and any member may by notice in writing to the Board resign his office.

(3) Where a vacancy occurs in the membership it shall not be necessary to fill it if the residue of the term of office of the member vacating office does not exceed six months unless the Board otherwise resolves.

(4) The provisions of subsections (1) and (3) of this section, shall not apply to the Rector or any other public officer.

4. The Board shall have power—

Powers of the Board.

- (a) to acquire and hold any movable or immovable property necessary in the opinion of the Board for the purposes of this Act and to dispose of movable property no longer required by it and, with the approval of the States given on such terms as may be determined by them, to sell, mortgage, lease or otherwise dispose of any of its immovable properties;
- (b) to erect, provide, equip and maintain any buildings necessary for carrying into effect the provisions of the Act;

- (c) to invest the funds of the Polytechnic in securities in Nigeria approved by the States;
- (d) to borrow money within Nigeria in such a manner and upon such security as the States may, from time to time, authorise or allow;
- (e) to institute posts and make appointments thereto (including power to make appointments on promotion and transfer and to confirm appointments) and to prescribe conditions of service of staff;
- (f) to provide amenities for and make such other provision for the welfare of the staff of the Polytechnic as it may from time to time, think fit;
- (g) to institute and award scholarships and prizes;
- (h) to prescribe courses not inconsistent with this Act and examinations and to grant diplomas, certificates or such other awards as it may determine and for such purposes the Board may appoint external examiners; and
- (i) to delegate all or any of its powers not exclusively exercised by the Board itself to committees of the Board or to its Chairman or to the Rector or to any other person as the circumstances may warrant.

Appointment
of Rector,
Secretary and
other staff.

5. (1) There shall be as the chief academic and administrative officer of the Polytechnic a person to be known as the Rector of the Polytechnic who shall be appointed by the Board on such terms and conditions as it may think fit; the Rector shall have and may exercise general authority over staff and be responsible for the maintenance of discipline in the Polytechnic.

(2) Subject to subsection (1) of this section, the Rector may at any time be removed from office by the Board on the grounds of misconduct or for reasons of inefficiency.

(3) There shall on the recommendation of the Rector be appointed by the Board fit persons as directors and chief executive officers of the constituent parts of the Polytechnic and appointments to positions as heads of departments and principal lecturers shall be made by the Board on the recommendation of the Rector.

(4) There shall be a Secretary to the Polytechnic who shall be appointed by the Board and the Secretary shall attend all meetings of the Board and, with the approval of the Chairman given in any particular case, may take part in the deliberations of the Board but he shall not have the right to vote on any question before the Board or count towards a quorum.

(5) The power to appoint other members of the staff of the Polytechnic shall if the Rector so recommends and the Board approves, be exercised by a director or, as the case may require, the Secretary but nothing in this subsection shall be construed as restricting or prohibiting the exercise by the Rector of the power to appoint in any particular case.

6. The general direction and management of academic matters and other subjects referred to it from time to time by the Board or the Rector shall be under the control of a body to be known as the academic board of the Polytechnic whose membership shall consist of the Rector as chairman and the directors and such other members of the teaching staff of the Polytechnic as may, from time to time, be approved by the Board of Governors.

Academic board.

7. (1) The revenue of the Board shall include—

Revenue of the Board.

- (a) fees charged by and payable to the Board in respect of students and other amounts, charges or dues recoverable by the Board;
- (b) income from time to time, accruing by way of subvention and grants-in-aid;
- (c) endowments, donations and legacies;
- (d) interest on investments; and
- (e) moneys borrowed.

(2) Revenue when received shall be paid to the credit of the Board into a bank approved by the Board and the Board may approve more than one bank for the purpose of receipt of moneys.

8. (1) The Board shall cause to be prepared not later than 1st December in each year, an estimate of its expenditure and income during the next succeeding

Annual estimates, account and audit.

financial year and when prepared, they shall be submitted to the States for approval.

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and, when certified by the Rector, the accounts shall be audited within six months thereafter by an auditor appointed by the Board and sufficient copies of the statements as so audited and the auditor's report thereon shall be prepared and forwarded immediately thereafter to the Governments of the States concerned.

Repeals and savings.
1968 No. 20.
1969 No. 52.

9. (1) The Kaduna Polytechnic Act 1968 is hereby repealed and the Kaduna Polytechnic (Amendment) Act 1969 is consequentially repealed.

Cap. 192.

(2) Without prejudice to section 6 of the Interpretation Act, any person who immediately before the commencement of this Act was a member of the Board or of the academic board or of the staff of the Polytechnic shall continue to hold office as if he were appointed to any such office pursuant to this Act.

Interpretation.

10. (1) In this Act unless the context otherwise requires—

“Board” means the Kaduna Polytechnic Board of Governors;

“member” includes the Chairman of the Board;

“Polytechnic” has the meaning assigned thereto by section 1 (1) of this Act;

“Rector” means the Rector of the Polytechnic appointed under section 5 (1) of this Act;

“Secretary” means the Secretary of the Polytechnic appointed under section 5 (4) of this Act;

“statutory corporation” means any corporation established by any enactment or law.

(2) References in this Act to “State” shall be read as references to any of the following States, that is to say, Bauchi, Benue, Borno, Gongola, Kaduna, Kano, Katsina, Kwara, Niger, Plateau and Sokoto States and references to “the States” shall be construed accordingly.

11. This Act may be cited as the Kaduna Polytechnic Act. Short title.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

section 2(3)

Proceedings of the Board

1. Subject to the provisions of this Act and of section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Board may make standing orders regulating its own proceedings or of any committee of the Board.

Cap. 192.

2. The quorum at any meeting of the Board shall be twelve and the quorum of any committee of the Board shall be as may be determined by the Board.

3. If the Chairman is absent from a meeting of the Board, the members present shall elect one of their number to preside at the meeting.

4. (1) Subject to the provisions of any standing orders of the Board, the Board shall meet whenever it is summoned by the Chairman and if the Chairman is required so to do by notice given to him by not less than 10 members (all of whom shall be representatives of the States) he shall summon a meeting of the Board to be held within 7 days from the date of receipt by him of such notice; and if the Chairman fails to convene the meeting, the States may in their discretion convene it.

(2) Where the Board desires to obtain the advice of persons on a particular matter, the Board may co-opt not more than three persons as members for a meeting whether or not expressly convened for the purpose of considering the particular matter but persons who are members by virtue of this sub-paragraph shall not be entitled to vote at the meeting and shall not count towards a quorum.

Committees

5. (1) The Board may appoint one or more committees consisting of such persons as it may think fit to carry out on behalf of the Board such of its functions (but subject to any delegation made pursuant to section 6 of this Act to the academic board) as the Board may determine.

(2) Any decision of a committee shall be of no effect until it is confirmed by the Board.

Miscellaneous

6. (1) The Board may give directions relating to any matter under its control by virtue of this Act and it shall be the duty of the Rector or any other person or body appointed pursuant to this Act to comply with such directions.

(2) Directions given under this paragraph shall be in writing and shall be under the signature of the Chairman or other person authorised pursuant to paragraph 7 (1) of this Schedule and shall come into force when issued under the seal of the Board or on such other date as may be specified therein.

7. (1) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or of some other fit person authorised generally or specially by the Board to act for that purpose.

(2) Any document purporting to be a document duly executed under the seal of the Board shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be made under seal may be made or executed on behalf of the Board by any person generally or specially authorised to act for that purpose by the Board.

9. The validity of any proceedings of the Board or of a committee thereof shall not be affected by any vacancy in the membership of the Board or of the committee, or by any defect in the appointment of a member of the Board or a committee or by reason only that a person not entitled to do so took part in the proceedings.

10. Any member of the Board or of a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or a committee shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

KADUNA POLYTECHNIC ACT

CHAPTER 196

SUBSIDIARY LEGISLATION

No Subsidiary Legislation